

**IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**ORIX FINANCIAL SERVICES, INC.,)
a New York Corporation)**

PLAINTIFF)

VS.)

**EARNEST CHAPMAN, individually)
and d/ b/ a EARNEST CHAPMAN)
LOGGING)**

DEFENDANT)

CASE NO. CV-05-01233-MEF

ANSWER

COMES NOW, the Defendant, by and through his attorney and answers the Complaint heretofore filed, as follows:

1. Defendant Admits.
2. Defendant Admits.
3. Defendant Admits.
4. Defendant neither admits or denies the residence and citizenship of the Plaintiff, Orix Financial Services, Inc. Defendant Earnest Chapman resides in Clay County, Alabama.
5. Defendant neither admits or denies that Orix is a New York corporation.
6. Defendant, Earnest Chapman, admits that he is over the age of 19 years and a resident of Coosa County, Alabama.
7. Defendant, Earnest Chapman, admits.
8. Defendant admits.
9. Defendant admits.

10. Defendant admits that at the time of the filing of the law suit the Defendant, Earnest Chapman, knew where the equipment was and to the extent that anyone was in possession of it between these Parties the Defendant, Earnest Chapman was. The Defendant denies using the equipment at the time of the filing of this lawsuit.
11. Defendant admits to being in default. The documents speak for themselves as to the remainder of the allegations.
12. Defendant admits that Plaintiff had requested possession of the collateral.
13. Defendant denies.
14. Defendant, Earnest Chapman, admits there was an altercation between himself and Larry Bosley.
15. See answers set forth 1 through 14 above.
16. Defendant neither admits or denies the amount owed.
17. The Defendant admits that he has not been able to pay whatever amount is owed.
18. The documents speak for themselves.
19. See answers set forth in 1 through 14 above.
20. Defendant admits he is in default.
21. Defendant admits the Plaintiff claims a security interest in the Komatsu D65E-12 Dozer.
22. Defendant admits that he is in default. At this time Orix has possession of the collateral.
23. See answers set forth in 1 through 14 above.
24. Defendant admits that Plaintiff has demanded possession of the equipment

and denies the remainder of the allegation as to the refusal to deliver possession of the equipment.

25. Defendant denies.

26. See answers set forth in 1 through 14 above.

27. Defendant denies.

28. Defendant denies.

29. See answers set forth in 1 through 14 above.

30. Defendant denies.

31. Defendant denies.

32. See answers set forth in 1 through 14 above.

33. Defendant admits.

34. The Defendant, Earnest Chapman admits that was an altercation between himself and an agent of Orix Financial Services.

35. Defendant denies.

36. Defendant Admits.

37. The Defendant did not and does not oppose the prejudgment seizure of the collateral by the Plaintiff.

DATED this the 13th day of February, 2006.

/s/ Harry P. Long

HARRY P. LONG
Attorney for Defendant
PO Box 1468
Anniston AL 36202
(256) 237-3266

CERTIFICATE OF SERVICE

I, Harry P. Long, hereby certify that I have served a copy of the foregoing Answer on William D. Azar, Memory Day & Azar, attorney for Plaintiff, P.O. Box 4054, Montgomery, AL 36103 by first class mail, postage prepaid, on this the 13th day of February, 2006.

/s/ Harry P. Long

HARRY P. LONG